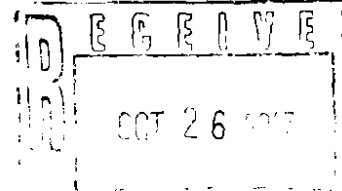




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DOC #:  
DATE FILED: 10/26/07

U.S. Department of Justice

United States Attorney  
Southern District of New York



The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

October 25, 2007

**BY FACSIMILE**

The Honorable Robert P. Patterson  
United States District Judge  
Southern District of New York  
Foley Square  
New York, New York 10007

**MEMO ENDORSED**

Re: United States v. Carlos Doninelli  
07 Cr. 752 (RPP)

Dear Judge Patterson:

The Government respectfully submits this letter in response to the defendant's motion, dated October 12, 2007, to suppress two guns found in his possession and post-arrest statements on or about July 3, 2007.

The Government expects the evidence to show, among other things, that on July 3, 2007, officers of the New York City Police Department ("NYPD") executed a search warrant issued by the Criminal Court of the City of New York, County of the Bronx, on June 29, 2007, to search the premises located at 1680 Crotona Park East, Apartment 1D. At the premises, during the execution of this search warrant, the defendant stated that the firearms and drugs that the police were searching for were in a white mini van which he owned, and which was parked outside the front of his apartment on the opposite side of the street.

The police officers took the defendant back to the station where he was read his Miranda rights, and signed a form waiving those rights. The defendant also signed a form headed "Consent to Search," which expressly authorized the NYPD to search the defendant's vehicles located opposite his residence. The NYPD returned to 1680 Crotona Park East, searched the defendant's vehicles, and found two firearms and drugs in the white mini van, as the defendant had previously stated.

The Honorable Robert P. Patterson  
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Because the defendant contests these facts, the Government consents to an evidentiary hearing on the defendant's motion. The Court has scheduled this hearing for November 14, 2007, at 9:30 a.m. The Government respectfully reserves the right to request post-hearing briefing regarding the factual and legal issues that arise during the hearing, if necessary.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

*Antonia Apps*  
Antonia M. Apps  
Assistant United States Attorney  
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(212) 637-2198 (fax)

cc: David Patton, Esq.

*So ordered*  
*(David Patton)*  
*10/26/07*